

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF

Jacqueline Bacchus
Deputy Administrator (Former)
HIV/AIDS Administration
Department of Health
59 – 54th Street, SE
Washington, DC 20019

DATE: December 9, 2005

DOCKET NO.: 05F-002

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Jacqueline Bacchus, Deputy Administrator (Former), HIV/AIDS Administration, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 12, 2005, OCF ordered Jacqueline Bacchus (hereinafter respondent), to appear at a scheduled hearing on August 29, 2005, and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On August 29, 2005, the respondent appeared at the scheduled hearing and testified that she separated from the District Government on August 13, 2004. Respondent further stated that she was not afforded an exit interview, and that she was not aware of the requirement to file an FDS upon separation from government service.

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On June 24, 2005, respondent received a telephone call from OCF concerning the filing requirement. Respondent stated that she attempted to file online on June 24, 2005, but could not do so because the password did not work. Respondent filed a fully executed Financial Disclosure Statement at OCF on July 1, 2005.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent filed a Financial Disclosure Statement within the extended filing deadline for calendar year 2002 on May 16, 2003; and timely filed for calendar year 2003 on May 17, 2004.
2. Respondent separated from government service on August 13, 2004.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on July 1, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because she was not informed of the filing requirement upon separation from government service; and, it is more likely than not inasmuch as respondent promptly filed the required FDS upon OCF's notification of her failure to do so.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. Agency heads are responsible for maintaining the currency of the names and current mailing addresses of all persons required to file pursuant to D.C. Official Code § 1-1106.02(b).
3. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial

Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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4. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$650.00 for failing to timely file a Financial Disclosure Statement.
5. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
6. Respondent's explanation for failing to timely file, in that she was not informed of the requirement to file a final Financial Disclosure Statement with OCF upon separation from government service, and that she promptly filed upon receipt of OCF's telephone contact, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order on Jacqueline Bacchus, by regular mail, on December 9, 2005.

cc: Gregg A. Pane, M.D.
Director, Department of Health
825 North Capitol Street, NE
Washington, DC 20002

Jeanette Fields, HR Advisor
Department of Health
825 North Capitol Street, NE
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.